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I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on July 31, 2002.

Susan L. Eick
Signature

July 31, 2002
Date of Signature

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sethi, et al. Examiner: Louise N. Leary
Serial No.: 09/780,503 Art Unit: 1627
Filed: February 9, 2001
For: A Method for Detecting Bacterial Lower Respiratory Tract Infections

PRO 9/09
Gibbs
9-25-02

RESPONSE TO OFFICE COMMUNICATION

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to an office communication dated July 1, 2002 (copy enclosed), Applicants herewith submit a Sequence Listing. Also enclosed is a paper copy of the same. The content of the paper copy and the CRF copy are the same and no new matter has been added. Please enter the CRF and the paper copy into the Specification. The CRF copy has been checked with Checker Version 3.1.

If any fee is due with this communication, please charge it to Deposit Account no. 08- 2442.

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Respectfully submitted,
HODGSON RUSS LLP

By Ranjana Kadle
Ranjana Kadle Reg. No. 40,041

One M&T Plaza, Suite 2000
Buffalo, New York 14203-2391
(716) 848-1628
DATE: July 31, 2002

BFLODOCS 721853v1 (FGZH011.DOC)

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DATE: _____





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Patent and Trademark Office
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APPLICATION NO. CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,503	02/09/2001	Sanjay Sethi	11520.0228 ✓	7097

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AUG 20 2002
3035
PAT & TRADEMARK OFFICE

✓ 7590
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07/01/2002



Due: 8/1/02

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JUL 08 2002

EXAMINER	LEARY, LOUISE
ART UNIT	PAPER NUMBER

1627

DATE MAILED: 07/01/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Application/Control Number: 09/780,503

Art Unit: 1627

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1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louise N. Leary whose telephone number is (703) 308-3533. The examiner can normally be reached on Monday to Friday from 9:30 to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jyothsna Venkat, can be reached on (703) 308-3924. The fax phone



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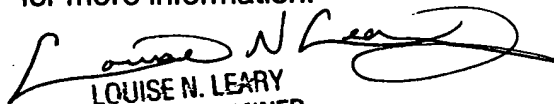
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Application/Control Number: 09/780,503
Art Unit: 1627

number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

For 24 hour access to patent application information 7 days a week, or for filing applications electronically, please visit our website at www.uspto.gov and click on the button "Patent Electronic Business Center" for more information.


LOUISE N. LEARY
PRIMARY EXAMINER

June 27, 2002



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Application No.: 09/780503

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
For PatentIn software help, call (703) 308-6856

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